ARTICLES & ESSAYS—AUTHORS

PAGE

BACKMAN, JAMES H.: *Public Land Law Reform—Reflections from Western Water Law* 1

BARBER, DAVID H.: *Lawyer Duties in Securities Transactions Under Rule 2(e): The Carter Opinions* 513

BAXTER, WILLIAM F.: *Standards for the Application of United States Antitrust Law in an International Environment* 841

BURLING, JAMES C.: *"State Action" Antitrust Immunity: A Doctrine in Search of Definition* 809

CONDIE, SPENCER J.: *Accommodation of Conscientious Objection to Abortion: A Case Study of the Nursing Profession* 253

DURHAM, W. COLE: *Accommodation of Conscientious Objection to Abortion: A Case Study of the Nursing Profession* 253

FLOYD, C. DOUGLAS: *The "Unitary" Business in State Taxation: Confusion at the Supreme Court?* 465

GEORGE, LLOYD D.: *Bankruptcy Appellate Panels: An Unfinished Experiment* ... 205

JONES, G. KEVIN: *Onshore and Offshore Solutions to the Nonfuel Minerals Shortage* 617

LEE, REX E.: *The Supreme Court and Antitrust Law: Remarks on Judicial Restraint in the Context of Antitrust and Constitutional Law* 873

LEE, WILLIAM F.: *"State Action" Antitrust Immunity—A Doctrine in Search of Definition* 809

LENGEL, JAMES H.: *The Duty of Federal Courts to Apply International Law: A Polemical Analysis of the Act of State Doctrine* 61

LITVACK, SANFORD M.: *The Ebb and Flow of Antitrust Enforcement: The Reagan and Carter Administrations* 849

MATTSON, MARCUS: *Tying Arrangements — An Update* 857

PECKHAM, BRIAN W.: *The Antitrust Laws and the Rights of Patentees: A Defense of Limited Compulsory Licensing* 883

QUARLES, JAMES L.: *"State Action" Antitrust Immunity—A Doctrine in Search of Definition* 809

SHERLOCK, RICHARD: *For Everything There Is a Season: The Right to Die in the United States* 545

WOOD, MARY ANNE Q: *Accommodation of Conscientious Objection to Abortion: A Case Study of the Nursing Profession* 253

ARTICLES & ESSAYS—TITLES

PAGE

ACCOMMODATION OF CONSCIENTIOUS OBJECTION TO ABORTION: A CASE STUDY OF THE NURSING PROFESSION: *W. Cole Durham, Jr., Mary Anne Q. Wood, Spencer J. Condie* 253

ANTITRUST LAWS AND THE RIGHTS OF PATENTEES: A DEFENSE OF LIMITED COMPULSORY LICENCING, THE: *Brian W. Peckham* 883

BANKRUPTCY APPELLATE PANELS: AN UNFINISHED EXPERIMENT, THE: *Lloyd D. George* 205

DUTY OF FEDERAL COURTS TO APPLY INTERNATIONAL LAW: A POLEMICAL ANALYSIS OF THE ACT OF STATE DOCTRINE, THE: *James H. Lengel* 61

EBB AND FLOW OF ANTITRUST ENFORCEMENT: THE REAGAN AND CARTER ADMINISTRATIONS *Sanford M. Litvak* 849

FOR EVERYTHING THERE IS A SEASON: THE RIGHT TO DIE IN THE UNITED STATES: *Richard Sherlock* 545

LAWYER DUTIES IN SECURITIES TRANSACTIONS UNDER RULE 2(E): THE *Carter* OPINIONS: *David H. Barber* 513
ONSHORE AND OFFSHORE SOLUTIONS TO THE NONFUEL MINERALS SHORTAGE: *G. Kevin Jones* 617
PUBLIC LAND LAW REFORM—REFLECTIONS FROM WESTERN WATER LAW: *James H. Backman* 1
"STATE ACTION" ANTITRUST IMMUNITY—A DOCTRINE IN SEARCH OF DEFINITION: *James C. Burling, William F. Lee, James L. Quarles, III* 809
STANDARDS FOR THE APPLICATION OF UNITED STATES ANTITRUST LAW IN AN INTERNATIONAL ENVIRONMENT: *William F. Baxter* 841
SUPREME COURT AND ANTITRUST LAW: REMARKS ON JUDICIAL RESTRAINT IN THE CONTEXT OF ANTITRUST AND CONSTITUTIONAL LAW, THE: *Rex E. Lee* 873
TYING ARRANGEMENTS — AN UPDATE: *Marcus Mattson* 857
"UNITARY" BUSINESS IN STATE TAXATION: CONFUSION AT THE SUPREME COURT?, THE: *C. Douglas Floyd* 465

COMMENTS

PAGE
Artificial Insemination and the Law 935
Corporate Acquisitions Proposal of the ALI Subchapter C Project: Correcting Economic Inefficiencies by Election, The 134
Exclusive Original Jurisdiction of the United States Supreme Court: Does it Still Exist? 727
Federal Preemption of State Authority to Tax Non-Indian Mineral Development on Indian Lands 919
Standing Versus Justiciability: Recent Developments in Participatory Suits Brought by Congressional Plaintiffs 371
Unscrambling the Broadcasting Status of Over-the-Air Subscription Television Under 47 U.S.C. § 605 695
Use of a Rule 37(b)(2)(A) Sanction to Establish in Personam Jurisdiction, The .. 103

CASE NOTES

PAGE
CONTINUING CONTROVERSY OVER *Crane's* Footnote 37: *Tufts v. Commissioner* 753
Deferential Interpretation of the *Complete Auto Transit* Test for Determining Whether a State Tax Unconstitutionally Burdens Interstate Commerce: *Commonwealth Edison Co. v. Montana* 765
Dismissing Derivative Suits Under the Business Judgment Rule: *Zapata Corp. v. Maldonado* 799
Double Jeopardy and Resentencing in Bifurcated Criminal Proceedings: *Bullington v. Missouri* 192
Expanded View of Section 12(2) Liability: *Junker v. Crory* 991
Federal Military Retirement System Preempts State Community Property Law at Divorce, The: *McCarty v. McCarty* 443
Gender-Based Wage Discrimination and the Bennett Amendment: *County of Washington v. Gunther* 401
Live or Let Die: Who Decides an Incompetent's Fate? *In re Storar* and *In re Eichner* 387
Presidential Power and the Iranian Hostage Agreement: *Dames & Moore v. Regan* 161
Scope of the Judicially Implied Private Right of Action under Rule 10b-5: *Shores v. Sklar* 180

Second Circuit Expands Section 10(b) Liability to Security Fraud Committed in Breach of an Employee's Fiduciary Duty: *United States v. Newman* **417**

Standing to Challenge the Tax-Exempt Status of Racially Discriminatory Private Schools: *Wright v. Regan* **779**

Utah Allows Contribution Against Cotortfeasor Despite Immunity from Direct Suit: *Bishop v. Nielsen* **429**

INDEX

A

ABORTION

Accommodation of Conscientious Objection to Abortion: A Case Study of the Nursing Profession: W. Cole Durham, Jr., Mary Anne Q. Wood, Spencer J. Condie 253

ADULTERY

Comment: Artificial Insemination and the Law 935

ANTITRUST LAW

Remarks

Antitrust in the Reagan and Carter Administration: The Ebb and Flow of Antitrust Enforcement: Sanford M. Litvack 849

Standards for the Application of United States Antitrust Law in an International Environment: William F. Baxter 841

The Supreme Court and Antitrust Law: Remarks on Judicial Restraint in the Context of Antitrust and Constitutional Law: Rex E. Lee 873

Rights of Patentees

The Antitrust Laws and the Rights of Patentees: A Defense of Limited Compulsory Licensing: Brian W. Peckham 883

State Action Doctrine

"State Action" Antitrust Immunity—A Doctrine in Search of Definition: James C. Burling, William F. Lee, James L. Quarles, III 809

Tying Arrangements

Tying Arrangements—An Update: Marcus Mattson 857

APPELLATE PROCEDURE

The Bankruptcy Appellate Panels: An Unfinished Experiment: Lloyd D. George 705

ARTIFICIAL INSEMINATION

Comment: Artificial Insemination and the Law 935

ATTORNEYS

Lawyer Duties in Securities Transactions Under Rule 2(e): The *Carter* Opinions: David H. Barber ... 513

Note: An Expanded View of Section 12(2) Liability: *Junker v. Crory* 991

B

BANKRUPTCY

The Bankruptcy Appellate Panels: An Unfinished Experiment: Lloyd D. George 205

BROADCASTING

Comment: Unscrambling the Broadcasting Status of Over-the-Air Subscription Television Under 47 U.S.C. § 605 695

C

COMMUNITY PROPERTY

Note: The Federal Military Retirement System Preempts State Community Property Law at Divorce: *McCarty v. McCarty* 443

CONSTITUTIONAL LAW

Commerce Clause

Note: A Deferential Interpretation of the *Complete Auto Transit* Test for Determining Whether a State Tax Unconstitutionally Burdens Interstate Commerce: *Commonwealth Edison v. Montana* 765

Double Jeopardy

Note: Double Jeopardy and Resentencing in Bifurcated Criminal Proceedings: *Bullington v. Missouri* 192

Establishment Clause

Accommodation of Conscientious Objection to Abortion: A Case Study of the Nursing Profession: W. Cole Durham, Jr., Mary Anne Q. Wood, Spencer J. Condie 253

Executive Power
Note: Presidential Power and the Iranian Hostage Agreement: *Dames & Moore v. Regan* 161

Judicial Power
The Bankruptcy Appellate Panels: An Unfinished Experiment: Lloyd D. George 205
Comment: Exclusive Original Jurisdiction of the United States Supreme Court: Does it Still Exist? 727

Remarks
The Supreme Court and Antitrust Law: Remarks on Judicial Restraint in the Context of Antitrust and Constitutional Law: Rex E. Lee 873

Supremacy Clause
Note: The Federal Military Retirement System Preempts State Community Property Law at Divorce: *McCarty v. McCarty* 443

CORPORATIONS

Comment: The Corporate Acquisitions Proposal of the ALI Subchapter C Project: Correcting Economic Inefficiencies by Election 134
Note: Dismissing Derivative Suits Under the Business Judgment Rule: *Zapata Corp. v. Maldonado* .. 799

CRIMINAL LAW

Note: Double Jeopardy and Resentencing in Bifurcated Criminal Proceedings: *Bullington v. Missouri* 192

D

DERIVATIVE ACTIONS

Note: Dismissing Derivative Suits Under the Business Judgment Rule: *Zapata Corp. v. Maldonado* .. 799

DISCLOSURE

Note: Second Circuit Expands 10(b) Liability to Security Fraud Committed in Breach of an Employee's Fiduciary Duty: *United States v. Newman* 417

DISCRIMINATION

Gender-based
Note: Gender-based Wage Discrimination and the Bennett Amendment: *County of Washington v. Gunther* 401

Race
Note: Standing to Challenge the Tax-Exempt Status of Racially Discriminatory Private Schools: *Wright v. Regan* 779

DIVORCE LAW

Note: The Federal Military Retirement System Preempts State Community Property Law at Divorce: *McCarty v. McCarty* 443

DOUBLE JEOPARDY

Note: Double Jeopardy and Resentencing in Bifurcated Criminal Proceedings: *Bullington v. Missouri* 192

DUE PROCESS OF LAW

The "Unitary" Business in State Taxation: Confusion at the Supreme Court?: C. Douglas Floyd 465

E

ESTABLISHMENT CLAUSE

Accommodation of Conscientious Objection to Abortion: A Case Study of the Nursing Profession: W. Cole Durham, Jr., Mary Anne Q. Wood, Spencer J. Condie 253

EUTHANASIA

For Everything There Is a Season: The Right to Die in the United States: Richard Sherlock 545

EXECUTIVE POWER

Note: Presidential Power and the Iranian Hostage Agreement: *Dames & Moore v. Regan* 161

F

FEDERAL COMMUNICATIONS COMMISSION

Comment: Unscrambling the Broad-

casting Status of Over-the-Air Subscription Television Under 47 U.S.C. § 605 695

FEDERAL COURTS

International Law

The Duty of Federal Courts to Apply International Law: A Polemical Analysis of the Act of State Doctrine: James H. Lengel 61

Jurisdiction

Comment: The Use of a Rule 37(b)(2)(A) Sanction to Establish In Personam Jurisdiction 103

Standing to Sue

Comment: Standing Versus Justiciability: Recent Developments in Participatory Suits Brought by Congressional Plaintiffs 371

FEDERAL LANDS

Public Land Law Reform— Reflections from Western Water Law: James H. Backman 1

FEDERAL RULES OF CIVIL PROCEDURE

Comment: The Use of a Rule 37(b)(2)(A) Sanction to Establish In Personam Jurisdiction 103

FOREIGN RELATIONS

Note: Presidential Power and the Iranian Hostage Agreement: *Dames & Moore v. Regan* 161

FRAUD

Note: The Scope of the Judicially Implied Private Right of Action Under Rule 10b-5: *Shores v. Sklar* ... 180

H

HOMICIDE

For Everything There Is a Season: The Right to Die in the United States: Richard Sherlock 545

I

ILLEGITIMACY

Comment: Artificial Insemination and the Law 935

IMMUNITY

"State Action" Antitrust Immunity— A Doctrine in Search of Definition: James C. Burling, William F. Lee, James L. Quarles, III 387

INCOMPETENTS

For Everything There Is a Season: The Right to Die in the United States: Richard Sherlock 545

Note: Live or Let Die: Who Decides an Incompetent's Fate? *In re Storar* and *In re Eichner* 387

INDIAN LAW

Comment: Federal Preemption of State Authority to Tax Non-Indian Mineral Development on Indian Lands 919

INTERNATIONAL LAW

The Duty of Fedral Courts to Apply International Law: A Polemical Analysis of the Act of State Doctrine: James H. Lengel 61

INTERNATIONAL TRADE

Antitrust

Standards for the Application of United States Antitrust Law in an International Environment: William F. Baxter 841

Law of the Sea Treaty

Onshore and Offshore Solutions to the Nonfuel Minerals Shortage: G. Kevin Jones 617

INTERSTATE COMMERCE

Note: A Deferential Interpretation of the *Complete Auto Transit* Test for Determining Whether a State Tax Unconstitutionally Burdens Interstate Commerce: *Commonwealth Edison Co. v. Montana* 765

J

JOINT TORTFEASORS

Note: Utah Allows Contribution Against Cotortfeasor Despite Immunity from Direct Suit: *Bishop v. Nielsen* 429

JUDICIAL POWER

The Bankruptcy Appellate Panels: An Unfinished Experiment: Lloyd D. George 205
Comment: Exclusive Original Jurisdiction of the United States Supreme Court: Does it Still Exist? 727

JUDICIAL RESTRAINT

The Supreme Court and Antitrust Law: Remarks on Judicial Restraint in the Context of Antitrust and Constitutional Law: Rex E. Lee 873

JURISDICTION

In Personam
Comment: The Use of a Rule 37(b)(2)(A) Sanction to Establish in Personam Jurisdiction 103

Subject Matter
Comment: Exclusive Original Jurisdiction of the United States Supreme Court: Does it Still Exist? 727

JUSTICIABILITY

Comment: Standing Versus Justiciability: Recent Developments in Participatory Suits Brought by Congressional Plaintiffs 371

L

LIVING WILL

For Everything There Is a Season: The Right to Die in the United States: Richard Sherlock 545
Note: Live or Let Die: Who Decides an Incompetent's Fate? *In re Storar* and *In re Eichner* 387

LAWYERS

See Attorneys

M

MINES AND MINERALS

Onshore and Offshore Solutions to the Nonfuels Minerals Shortage: G. Kevin Jones 617
Comment: Federal Preemption of State Authority to Tax Non-Indian Mineral Development on Indian Lands 919

N

NURSES AND NURSING

Accommodation of Conscientious Objection to Abortion: A Case Study of the Nursing Profession: W. Cole Durham, Jr., Mary Anne Q. Wood, Spencer J. Condie 253

P

PATENT LAW

The Antitrust Laws and the Rights of Patentees: A Defense of Limited Compulsory Licensing: Brian W. Peckham 883

PREEMPTION

Comment: Federal Preemption of State Authority to Tax Non-Indian Mineral Development on Indian Lands 919
Note: The Federal Military Retirement System Preempts State Community Property Law at Divorce: *McCarty v. McCarty* 443

PUBLIC LANDS

Public Land Law Reform — Reflections from Western Water Law: James H. Backman 1

R

REAL PROPERTY

Public Land Law Reform —Reflections from Western Water Law: James H. Backman 1

RIGHT OF PRIVACY

Note: Live or Let Die: Who Decides an Incompetent's Fate? *In re Storar* and *In re Eichner* 387

S

SECURITIES LAW

Lawyer Duties in Securities Transactions Under Rule 2(e): The *Carter* Opinions: David H. Barber ... 513
Note: An Expanded View of Section

12(2) Liability: *Junker v. Crory* ... 991
Note: The Scope of the Judicially Implied Private Right of Action Under Rule 10b-5: *Shores v. Sklar* ... 180
Note: Second Circuit Expands 10(b) Liability to Security Fraud Committed in Breach of an Employee's Fiduciary Duty: *United States v. Newman* ... 417

SEPARATION OF CHURCH AND STATE

Accommodation of Conscientious Objection to Abortion: A Case Study of the Nursing Profession: W. Cole Durham, Jr., Mary Anne Q. Wood, Spencer J. Condie ... 253

SEPARATION OF POWERS

Comment: Standing Versus Justiciability: Recent Developments in Participatory Suits Brought by Congressional Plaintiffs ... 371

STANDING TO SUE

Comment: Standing Versus Justiciability: Recent Developments in Participatory Suits Brought by Congressional Plaintiffs ... 371
Note: Standing to Challenge the Tax-Exempt Status of Racially Discriminatory Private Schools: *Wright v. Regan* ... 779

STATE LAW

Utah Contributory Negligence Act
Note: Utah Allows Contribution Against Cotortfeasors Despite Immunity from Direct Suit: *Bishop v. Nielsen* ... 429

STATUTES

28 U.S.C. 1251
Comment: Exclusive Original Jurisdiction of the United States Supreme Court: Does it Still Exist? ... 727

Bankruptcy Reform Act of 1978
The Bankruptcy Appellate Panels: An Unfinished Experiment: Lloyd D. George ... 205

Civil Rights Act of 1964
Accommodation of Conscientious Objection to Abortion: A Case Study of the Nursing Profession: W. Cole Durham, Jr., Mary Anne Q. Wood, Spencer J. Condie ... 253
Note: Gender-based Wage Discrimination and the Bennett Amendment: *County of Washington v. Gunther* ... 401

Clayton Act
Tying Arrangements — An Update: Marcus Mattson ... 857

Communications Act of 1934
Comment: Unscrambling the Broadcasting Status of Over-the-Air Subscription Television Under 47 U.S.C. § 605 ... 695

Equal Pay Act of 1963
Note: Gender-based Wage Discrimination and the Bennett Amendment: *County of Washington v. Gunther* ... 401

Securities Act of 1933
Note: An Expanded View of Section 12(2) Liability: *Junker v. Crory* ... 991

Securities Exchange Act of 1934
Note: The Scope of the Judicially Implied Private Right of Action Under Rule 10b-5: *Shores v. Sklar* ... 180
Note: Second Circuit Expands Section 10(b) Liability to Security Fraud Committed in Breach of an Employee's Fiduciary Duty: *United States v. Newman* ... 417

Uniform Division of Income for Tax Purposes
The "Unitary" Business in State Taxation: Confusion at the Supreme Court? C. Douglas Floyd ... 465

STOCKHOLDERS

Note: Dismissing Derivative Suits Under the Business Judgment Rule: *Zapata Corp. v. Maldonado* ... 799

SUICIDE

For Everything There Is a Season: The Right to Die in the United States: Richard Sherlock ... 545

SUPREMACY CLAUSE

Note: The Federal Military Retirement System Preempts State Community Property Law at Divorce: *McCarty v. McCarty* 443

T

TAXATION

The "Unitary" Business in State Taxation: Confusion at the Supreme Court? C. Douglas Floyd 465

Comment: The Corporate Acquisitions Proposal of the ALI Subchapter C Project: Correcting Economic Inefficiencies by Election 134

Comment: Federal Preemption of State Authority to Tax Non-Indian Mineral Development on Indian Lands 919

Note: The Continuing Controversy Over *Crane*'s Footnote 37: *Tufts v. Commissioner* 753

Note: A Deferential Interpretation of the *Complete Auto Transit* Test for Determining Whether a State Tax Unconstitutionally Burdens Interstate Commerce: *Commonwealth Edison Co. v. Montana* 765

Note: Standing to Challenge the Tax-Exempt Status of Racially Discriminatory Private Schools: *Wright v. Regan* 779

TELEVISION

Comment: Unscrambling the Broadcasting Status of Over-the-Air Subscription Television Under 47 U.S.C. § 605 695

TORTFEASORS

Note: Utah Allows Contribution Against Cotortfeasor Despite Immunity from Direct Suit: *Bishop v. Nielsen* 429

TREATIES

Law of the Sea Treaty

Onshore and Offshore Solutions to the Nonfuel Minerals Shortage: G. Kevin Jones 617

W

WATER LAW

Public Land Law Reform— Reflectiions from Western Water Law: James H. Backman 1